

## REMARKS

Claims 1-8 and 10 are pending in this application. Claims 1-8 and 10 stand rejected. Examiner's reconsideration of the rejection is respectfully requested in view of the following remarks.

### Rejections under 35 U.S.C. § 102:

Claims 7-8 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent 10-318933 to Tomoyoshi for the reasons stated on pages 2 and 3 of the Office Action.

At the very least, claim 7 is patentably distinct over Tomoyoshi. For example, Tomoyoshi does not disclose or suggest a position compensator, much less a position compensator for wafer centering, as essentially claimed in claim 7.

In claim 7, the position compensator (144) of the present invention detects positions of the wafer according to on/off states of the photo detecting sensors (143b) for purpose of calculating wafer centering data needed to center the wafer. (See Page 8 of the Specification).

Examiner continues to erroneously rely on the deficit unit (30) as disclosed in Tomoyoshi as being the claimed position compensator. (See Page 2 of Office Action). Tomoyoshi clearly states that the element (30) is a deficit detection unit that detects chipping of the substrate. (See Paragraph 15 and Abstract of Tomoyoshi).

Examiner states on page 4 of the Office Action that "the phrase 'for performing wafer centering' is functional language." For a prior art reference to read on functional language, it must be capable of performing such a function. However, Tomoyoshi is not capable of performing wafer centering. In fact, Examiner inconsistently argues that Tomoyoshi is capable of performing wafer centering (see Page 2 of Office Action), but

then contends that Tomoyoshi does not disclose wafer centering (see Page 3 of Office Action).

Furthermore, at the very least, claim 10 is patentably distinct over Tomoyoshi. For example, Tomoyoshi does not disclose or suggest a method for positioning a wafer by determining the position of said wafer, as essentially claimed in claim 10. Examiner's reliance on photodetector (52) is misplaced. Examiner contends that photodetector (52) determines a position of the wafer. (See Page 2 of Office Action). However, the photodetector (52) is a notch detector. The notch detector is used for counting a frequency of rotation of the wafer by determining existence of a notch. (See Paragraphs 25, 26 and 27 of Tomoyoshi).

Accordingly, Tomoyoshi does not anticipate claims 7 and 10. Claim 8 depends from claim 7. The dependent claim 8 is believed to be allowable due to its dependency on the allowable independent claim. The Examiner's reconsideration of the rejection is respectfully requested.

#### **Rejections under 35 U.S.C. § 103:**

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomoyoshi for the reasons stated on pages 3-4 of the Office Action. The rejection is respectfully traversed.

At the very least, claim 1 is patentably distinct over Tomoyoshi because Tomoyoshi does not disclose or suggest, for example, a multi-functioned unit for performing wafer centering. Examiner even acknowledges that Tomoyoshi does not disclose wafer centering, but in conclusory fashion contends that "it is notoriously well known in the art to center a wafer before rotating." (See page 3 of the Office Action). Without more, this conclusion of obviousness is improper and fails to establish a *prima facie* case of obviousness. If it is so well known, it is incumbent on the Examiner to

provide a reference that discloses performing wafer centering. Alternatively, Applicant requests the Examiner provide an affidavit or declaration setting forth specific factual statements and explanation as to the Examiner's knowledge to support such finding.

Accordingly, claim 1 is believed to be patently distinguished and not rendered obvious by Tomoyoshi. The Examiner's reconsideration is respectfully requested.

Claims 2-6 depend from claim 1. The dependent claims are believed to be allowable due to their dependency on the allowable independent claim.

For the foregoing reasons, the present application, including claims 1-8 and 10, is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully requested. The Examiner is invited to contact the undersigned if he has any questions or comments in this matter.

Respectfully submitted,



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